REMARKS

In response to the final action of June 11, 2007, applicants asks that all claims be allowed in view of the amendments to the claims and the following remarks.

Claims 1, 26 and 51-85 are currently pending, of which claims 1, 26, 51 and 83-85 are independent. Claims 1, 26, 51 and 83 have been amended, and claims 84 and 85 have been added. Support for these amendments may be found in the application at, for example, page 2, line 26 to page 3, line 3; page 11, line 19 to page 12, line 4; and FIGS. 1 and 3. Support for the new claims may be found in the application at, for example, page 3, line 25 to page 4, line 5. No new matter has been introduced.

Applicant respectfully asks that the amendment be entered. In particular, claims 1, 26, 51 and 83, as amended, recite configuring the portable communication device to communicate with the server only after the read biological information and the stored biological information have matched, which is similar to the previously examined limitation in which the portable communication device is connected to the Internet after the read biological information and the store biological information have matched. More particularly, the action of April 13, 2006 examined and rejected independent claims 1, 26 and 51, which included the limitation where the portable communication device is connected to the Internet after the read biological information and the store biological information have matched, over Li (U.S. Patent No. 6,219,793). In response to the action of April 13, 2006, that limitation was removed from each of independent claims 1, 26 and 51, and new independent claim 83 was added. Accordingly, applicant asserts that no new search is required for the amendments to independent claims 1, 26, 51 and 83. Moreover, although the current amendments to claims 1, 26, 51 and 83 are similar to the portable communication device limitation which was rejected in the action of April 13, 2006, the current amendments are believed to be allowable, as described in more detail below.

In addition, new independent claims 84 and 85 recite a method (claim 85) or a system (claim 84) for identifying an individual to identify a client. New claims 84 and 85 each recite storing the biological information of the client, reading the biological information of the client, checking the read biological information with the stored biological information, and transmitting information to the server that the checking has matched. This subject matter is similar to subject matter in pending claim 1, although claims 84 and 85 differ in scope from claim 1 and each

other. Also, new claims 84 and 85 each recite that after transmitting information that the checking has matched to the server, a personal identification number information is sent to the server, a feature similar to subject matter in pending claim 57, which depends from claim 1. New claims 84 and 85 also each recite in a case that the personal identification number matches with a number stored at the server, the stored biological information can be rewritten, a feature similar to subject matter in pending claim 58, which depends from claim 1. Accordingly, applicant submits that no new search is required for new independent claims 84 and 85.

Claims 1, 26, 51 and 54-83 have been rejected as being unpatentable over Li in view of Nagayoshi (U.S. Patent No. 6,839,798). Applicant requests reconsideration and withdrawal of this rejection because neither Li, Nagayoshi, nor any proper combination of the references, describes or suggests configuring the portable communication device to communicate with the server only after the read biological information and the stored biological information have matched, as recited by amended independent claims 1, 26, 51 and 83.

Each of independent claims 1, 26, 51 and 83 is directed to a process or a system in which a portable communication device reads biological information of the client and checks this biological information with reference biological information previously stored in the portable communication device. The portable communication device is configured to communicate with the server *only* after the read biological information and the stored biological information have matched.

In contrast, Li's mobile telephone 102 communicates with the central authentication system (CAS) 106 to receive the fingerprint-based token for comparison with the generated token as part of the identification process. More particularly, Li discloses using a fingerprint capturing device ("FCPD") 101 to identify an individual using a portable communication device, where the fingerprint capturing device preferably is incorporated within a mobile telephone 102. See Li at col. 6, lines 54-66. The fingerprint capturing device captures a user's fingerprint information and generates a token based on the captured fingerprint information. See Li at col. 7, lines 40-46. Notably, Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. See Li at col. 7, lines 52-55.

In particular, in Li's system, the mobile telephone 102 wirelessly communicates with the mobile switching center (MSC) 103 of the wireless carrier 104, which, in turn, communicates with the central authentication system (CAS) 106 over the PSTN or the Internet 105. See Li at FIG. 1 and col. 7, lines 6-23. Hence, Li's mobile telephone 102 communicates through the mobile switching center (MSC) 103 and with the central authentication system (CAS) 106 to receive the fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. Thus, Li's mobile telephone 102 has communicated with the central authentication system (CAS) 106 before comparing the fingerprint information.

Li presents a flowchart in FIGS. 3A-3B that shows information being exchanged between the wireless telephone 102 and the central authentication system (CAS) 106 over the PSTN or Internet 105 before fingerprint information is compared. More particularly, Li's flowchart in FIGS. 3A-3B begins with a user dialing a telephone number using the wireless telephone 102 (step 300) and sends information to the central authentication system (CAS) 106 from the mobile switching center (MSC) 103 using the PSTN or Internet 105 (step 304). See Li at FIG. 3A and col. 10, lines 33-35 and lines 44-46. See also Li at col. 7, lines 19-23 (indicating "a public switched telephone network (PSTN) or Internet 105"). Importantly, the step in which the fingerprint capturing device 101 requires the wireless telephone user to input a fingerprint locally and generates a token based on the captured fingerprint information in step 308, which occurs after the wireless telephone has provided information to the central authentication system (CAS) 106 using the Internet 105 in step 304. See Li at FIG. 3A and col. 10, lines 57-65. Further, the fingerprint capturing device 101 compares the tokens to determine whether the tokens match in step 309, which also occurs after the wireless telephone has provided information to the central authentication system (CAS) 106 using the Internet 105 in steps 309-314. See Li at FIG. 3A and col. 11, lines 19-54. Hence, Li discloses that the wireless telephone 102 and the central authentication system (CAS) 106 communicate over the PSTN or Internet 105 before fingerprint information is compared.

As such, Li does not describe or suggest that the portable communication device is configured to communicate with the server only after the read biological information and the

stored biological information have matched, as recited by amended independent claims 1, 26, 51 and 83.

In addition, the action of April 13, 2006 contends that Li, in column 6, paragraph 2 and column 11, paragraph 5, discloses that the portable communication device is connected to the Internet after the read biological information and the store biological information have matched. See action of April 13, 2006 at page 4, line 6, and page 4, line 17. The action of April 13, 2006 characterizes applicant's argument as "that Li did not disclose connecting to the Internet after the comparison of the biometric tokens." See action of April 13, 2006 at page 2, lines 4-5. The action of April 13, 2006 rejects that argument, stating:

> As such, it is clear that in the system of Li, for packetized messages over a
> network, the connection for the call is not created until after the biometric tokens
> are compared, at which point a connection to the Internet was established for the
> call.

Action of April 13, 2006 at page 2, lines 11-14 (after quoting Li at col. 6, lines 15-25 and col. 11, lines 51-56 and referencing Li at Figs. 3A-3B). Accordingly, this characterization of Li by the action of April 13, 2006 does not indicate that Li discloses that the portable communication device is configured to communicate with the server only after the read biological information and the stored biological information have matched, as recited by currently amended independent claims 1, 26, 51 and 83.

Nagayoshi is said to disclose a flash memory device which can be used in a mobile phone for storing nonvolatile data. However, Nagayoshi does not describe or suggest the portable communication device is configured to communicate with the server only after the read biological information and the stored biological information have matched, as recited by amended independent claims 1, 26, 51 and 83.

Accordingly, neither Li, Nagayoshi, nor any proper combination of the references, describes or suggests the portable communication device is configured to communicate with the server only after the read biological information and the stored biological information have matched, as recited by amended independent claims 1, 26, 51 and 83. Therefore, for at least these reasons, applicant requests reconsideration and withdrawal of the rejection of independent claims 1, 26, 51 and 83, and claims 54-82, each of which depends from one of independent claims 1, 26 and 51.

New independent claims 84 and 85 each recite after transmitting information that the checking has matched to the server, a personal identification number information is sent to the server and in a case that the personal identification number matches with a number stored at the server, the stored biological information can be rewritten. Neither Li nor Nagayoshi disclose such a feature. Accordingly, applicant asserts that new claims 84 and 85 are allowable.
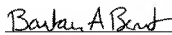
Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of $400 in payment of the excess claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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